

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
FILE NO. 5:23-CV-00306-M-RN

CHRISTIAN PROFFITT,

Plaintiff,

v.

NORTH CAROLINA DEPARTMENT OF
PUBLIC SAFETY,

Defendant.

REPORT OF THE PARTIES’
PLANNING MEETING
Fed. R. Civ. P. 26(f)

1. **Participants.** The following persons participated in a Rule 26(f) Conference on February 15, 2024 by telephone conference:
 - a. Christian Proffitt, *pro se* plaintiff;
 - b. James B. Trachtman, Special Deputy Attorney General, for Defendant.
2. **Initial Disclosures.** The parties will complete initial disclosures required by Rule 26(a)(1) within 14 days of the parties’ Rule 26(f) conference, namely, February 29, 2024.
3. **Discovery Plan.** The parties propose the following discovery plan:
 - a) **Discovery will be needed on these subjects:**
 - a. Facts relevant to Plaintiff’s claims, including Plaintiff’s claims of (i) failure to provide reasonable accommodation, (ii) discrimination on the basis of disability, (iii) retaliation, (iv) hostile work environment, and (v) constructive discharge.
 - b. Plaintiff’s medical history as alleged in her Amended Complaint;
 - c. Facts relevant to the named Plaintiffs’ claims for monetary damages; and
 - d. Facts relevant to the Defendant’s defenses.
 - b) **Dates for commencing and completing discovery, including discovery to be**

commenced or completed before other discovery. Discovery shall commence upon the entry of the Scheduling Order. Fact discovery, including depositions of fact witnesses, shall be completed by July 15, 2024. Expert discovery, including depositions of expert witnesses, shall be completed by December 2, 2024.

- c) **Maximum number of interrogatories by each party to another party, along with the dates the answers are due.** Rule 33 of the Federal Rules of Civil Procedure shall govern the number of interrogatories and the due dates of the responses to interrogatories.
- d) **Maximum number of requests for admission, along with the dates the responses are due.** Rule 36 of the Federal Rules of Civil Procedure shall govern the number of requests for admissions and the due dates of the responses to the requests for admissions.
- e) **Maximum number of depositions by each party.** Plaintiff requests that each party be entitled to depose a total of 15 witnesses, including both fact and expert witnesses. Defendant requests that each party be entitled to depose a total of 10 witnesses, including both fact and expert witnesses.
- f) **Limits on the length of depositions, in hours.** The length of each deposition shall be no longer than 6 hours, not including breaks.
- g) **Dates for exchanging reports of expert witnesses.** Plaintiff will disclose experts by August 16, 2024, and Defendant will disclose experts by October 16, 2024.
- h) **Dates for supplementation under Rule 26(e).** The parties have a duty to supplement or correct their disclosures promptly after learning that materials previously disclosed are incomplete or incorrect.
- i) **Any issues about the disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced.** Defendant

agrees that all electronically stored information potentially relevant to the claims and defenses in this action in its possession, custody, or control is subject to a litigation hold and will not be deleted, modified, or altered in any way, including as part of routine purging of data, until the conclusion of this litigation. The parties shall produce all electronically stored information in PDF format. The parties agree to meet and confer in good faith when a party requests that previously produced electronically stored information, such as e-mails, photos, and spreadsheets, be re-produced in its native format and/or be made available for inspection.

- j) **Any issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on the procedure to assert these claims after production—whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502.** The parties agree that Rule 26(b)(5) shall apply with respect to claiming privilege and protecting trial-preparation materials, except that the parties do not have to include in any privilege log any communications with their respective counsel after the commencement of litigation. The parties agree to meet and confer to develop a protective order to handle disclosure of confidential information and submit it to the Court for approval.

4. **Other Items.**

- a) **A date if the parties ask to meet with the court before a scheduling order.** The parties are not requesting to meet with the Court prior to the entry of a scheduling order.
- b) **Requested dates for pretrial conferences.** The parties agree to meet and confer and to coordinate with the Court regarding pretrial conferences.
- c) **Final dates for the Plaintiff to amend her pleadings or to join parties.** The parties

agree that Plaintiff may amend pleading or join parties on or before June 17, 2024, or by consent or leave of court.

- d) **Final date for the Defendant to amend pleadings or to join parties.** The parties agree that Defendant may amend pleading or join parties on or before June 17, 2024, or by consent or leave of court.
- e) **Final date to file dispositive motions.** The final date for either party to file dispositive motions shall be January 22, 2025.
- f) **State the prospects for settlement.** The Parties need additional discovery before the prospects of settlement can be determined.
- g) **Identify any alternative dispute resolution procedures that may enhance settlement prospects and the timing of such procedure.** The Parties would request that the Court assign a magistrate judge to conduct a judicial settlement conference during the month of August, 2024.
- h) **Final dates for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists.** The parties agree that Rule 26(a)(3) shall apply with respect to the timing of pre-trial disclosures and objections.
- i) **Final dates to file objections under Rule 26(a)(3).** The parties agree that Rule 26(a)(3) shall apply with respect to the timing of pre-trial disclosures and objections.
- j) **Suggested trial date and estimate of trial length.** The Parties will defer to the Court's schedule as to the trial date. The parties estimate that trial will take three (3) days.
- k) **Other matters.** The parties do not have other matters at this time that may affect scheduling in this case.

This is the 19th day of February, 2024.

JOSHUA H. STEIN
Attorney General

/s/ James B. Trachtman
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CERTIFICATE OF SERVICE

I hereby certify that, on the above date, I electronically filed the foregoing **REPORT OF THE PARTIES' PLANNING MEETING** with the Clerk of the Court utilizing the CM/ECF system and, on the date below, have caused to be served said document upon the Plaintiff, a non-CM/ECF participant via email (as agreed to by the parties) as follows:

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This the 19th day of February, 2024.

/s/ James B. Trachtman
James B. Trachtman
Special Deputy Attorney General